

Friends Claim Majority of 3 For Newberry

Republicans Now Listed as Uncertain Also Counted On to Fall Into Line to Seat Michigan Senator

Opponents Occupy Floor

Borah and Spencer Lead in Attack; Hold Him Responsible for Expenditures

WASHINGTON, Jan. 10.—Senate Republican leaders who are working hard to prevent the ousting of Senator Truman H. Newberry, of Michigan, said tonight their latest poll showed the resolution to seat Senator Newberry would be adopted with three votes to spare.

These Senators regard it as possible that two or three wavering Republican Senators will line up at the last minute for Mr. Newberry, but are not calculating solely on this. Nor are they counting Senator Hiram Johnson, of California, who is in the West and who is not expected to return in time to vote. Senator Johnson is understood to have assured the leaders he would vote for Senator Newberry if present when the vote was taken. He is not paired.

Republican Senators who are listed as uncertain include Senators Willis, of Ohio; Cramer, of Kansas; Poinsett, of Washington; and McNary, of Oregon. These Senators held several informal conferences to-day, but how they will vote is still considered uncertain. Senator Jones, of Washington, Republican, who has been listed as uncertain, is now looked on as opposed to Mr. Newberry.

Move to Recommit Scheduled

The opposition to Senator Newberry is expected to-morrow to move to recommit the case to the Committee on Privileges and Elections with instructions to take further testimony and to call Senator Newberry to the stand. This plan is seriously considered by the opponents of Senator Newberry, and if the motion is offered the result, it is admitted by the Republican leaders, will be extremely close. They believe they can block it, but are not entirely certain. After a conference participated in by Senators Lodge, Curtis, Spencer and other leaders over the question to-morrow, a vote was expected that the opponents of Newberry might not press the recommitment plan.

Indications still are that Senator Newberry's speech of yesterday tended to strengthen his Senate support, but by way of counter attack there was a fierce bombardment of speeches against him to-day. Senator Borah, Republican, led off with an hour's tirade against seating the Michigan Senator. He was followed by Senators Hiram, Walsh, Robinson and Ashurst on the Democratic side.

Senator Borah warned the Senate that the seating of Senator Newberry, in the face of the enormous expenditures in his behalf, would be setting a dangerous precedent. He declared that he had been to the Senate to set its approval on what had been done in the Newberry case would be to open the doors wide to admitted and indefensible corruption. He held that if the seating of Newberry were to be justified by the Senate, then a candidate could turn his campaign over to a committee and his campaign to Europe, and avoid all responsibility for what was done.

America Compared to Rome
Referring to the expenditure of money to control elections and primaries, as evidenced in the recent prosecution of the Michigan campaign, Senator Borah declared this was "in the use of money had" "travelling further in 100 years than Rome moved in 500 years." Summarizing his arguments in the matter, Senator Borah said:

"A thorough examination of the law and a careful study of the facts related to this controversy lead me to the following conclusions:

"First—That the primary is a part of the election process, and the improper use of money in the primary has the same effect upon invalidating

the election as the use of money at an election.

"Second—That the amount expended in this election was such as to lead to the conclusion that it was intended to, and did, corruptly affect the results of the primary.

"Third—That no man can be the beneficiary of a corrupt election when such corruption was had in his behalf, whether he personally participated in the corrupt methods or not.

"Fourth—That the committee which expended this money was Newberry's committee. If not actually selected by him, it was accepted by him, and he cooperated with it, so that the committee's acts became his acts.

Holds Newberry Responsible

"Fifth—That Mr. Newberry had such knowledge of the expenditure of the money and the doings of the committee as to charge him with responsibility for whatever the committee did.

"Sixth—That the state statute was repeatedly violated.

"Seventh—That the Federal statute, not yet declared unconstitutional, was violated.

"Eighth—That, the election being tainted with corruption and controlled through the use of money, the same is void and the seat occupied by the sitting member should be declared vacant."

Senator Borah declared no man "can be the beneficiary of a corrupt election."

Senator Borah was followed for a short time by Senator Heelin, of Alabama. He commended Senator Borah's speech as ringing with "old-time 100 per cent Americanism." Senator Heelin charged that social influences were trying to seat Senator Newberry and that wealthy women at receptions besieged him and asked him to vote for Newberry.

"Every man that voted for Lorimer is gone but six," he said. "There's going to be more of you, go, and God speed the day."

Senator Heelin was followed by Senator Walsh, of Montana, Democratic member of the Judiciary Committee, who sought to turn the tide of the evidence to show Senator Newberry could not escape responsibility.

State Prosecutors Open Albany Session To-day

Federal Aid to Attend Meeting on Crime, Prostitute and Bootlegging Problems

From a Staff Correspondent

ALBANY, Jan. 10.—Assistant United States Attorney General John W. H. Crim is en route here to attend the conference of the prosecuting officers of New York State which will be held to-morrow in the Senate Chamber at the close of the session. Word that Mr. Crim was coming was contained in a telegram from Albany. General Daugherty, to State Attorney General Newton. Mr. Crim, the Attorney General said, would lend whatever help he could. Mr. Newton, who will preside at the conference, said that he had received replies from fifty-nine of the sixty-two district attorneys of the state announcing that they would be present.

The conference, which was called at the instance of Mr. Daugherty with a view to obtaining state and county cooperation in the prosecution of food and fuel profiteers and bootleggers, was announced by the call sent out by Mr. Newton to include only counties in New York and other large cities.

Arms Parley Envoy Urges Simpler Legal Literature

Simplification of the mass of legal literature, which has accumulated as a result of the work of legislatures, particularly in this country and in Great Britain, was urged by Sir John W. Sutherland, of New Zealand, British delegate to a Conference on the Limitation of Arms, in an address yesterday to several hundred members of the legal profession at the Association of the Bar.

Discussing the formation of this "new code," Sir John said that it must be undertaken by lawyers of the highest type, and that it could not be accomplished in a year or perhaps even in five years. He added that the United States has the natural talent for the development of such a code and declared that Great Britain would join most heartily in the undertaking as "common law has no state boundaries."

He said that one of the first essentials would be the preparation of a scientific nomenclature, declaring that the popular English language is too vague to be used for the interpretation of legal documents.

De Valera and 55 Bolt as Dail Elects Griffith

(Continued from page one)

president was seeking re-election. All the republicans who spoke seemed determined to pin Griffith down and to pull him from his clear definition of the policy he would pursue if elected. They wanted to know whether he intended to act and function as the executive head of the republic while still serving as chairman of the delegation that negotiated the peace treaty and, as such, empowered to form the provisional government which must serve during the period before the establishment of the Free State. Griffith's replies were not satisfactory to the republicans. One of these declarations was:

Says People Must Decide

"Republican Ireland will remain in being until the Free State government comes into power. I shall occupy the same position as did President De Valera. I am going to wait to effect the opinion of the majority of this body regarding the peace treaty."

At the afternoon session De Valera, in declaring his views, expressed regret that he could not congratulate Griffith on his election, but he added that Irish citizens would pay him every respect that his office deserved. Referring to the forthcoming Free State government, De Valera said:

"We cannot recognize that government and we shall do everything in our power to see that the people do not disestablish the republic. It is a good thing that there should be a change of officers and that the issues should be clearly understood."

Griffith, replying, said that he had not resigned; he would never have requested De Valera's resignation. "If I had my way," he said, "I would get back into private life. I have no feeling of ambition in doing what I am doing. I consider it my duty to my country. The Dail Eireann is going to remain in existence until the election. If the Irish people turn down the Free State I shall return to the ranks."

At this point Erskine Childers, who was an attaché of the peace delegation, but who opposed the treaty, rose to speak. Griffith had been prevented from asking at the morning session by the closure resolution. He had only started when Griffith shouted:

Danaball Lie, Griffith's Reply

After Dail had made an appeal for unity, John E. Heinegan, an opponent of the treaty, caused a sensation by declaring against Griffith because he had let Lloyd George down and his pledge not to sign any treaty until it had been submitted to the Sinn Fein cabinet in Dublin.

Griffith described the charge as a "damnable lie," whereupon De Valera said: "No one ever accused me of falsehood. I say as a solemn truth that at a cabinet meeting the chairman of the peace delegation gave an undertaking not to sign any document involving us British subjects. Had he kept that pledge conditions might have been much different to-day."

Griffith replied: "When I was returning to London I did tell the president that I would not sign a document without first submitting it to the cabinet, but circumstances were such that I was unable to refer the treaty to the cabinet. That I conspired with Lloyd George against the Dail is a damnable lie."

Heinegan switched his attack, saying that Griffith had given an interview after the signing of the treaty in which he said that the fight for Irish liberty was over, while Childers had said in the debate that he did not consider that the treaty ended the fight for the complete independence of Ireland. He urged by independence of the republic, one of Collins' right-hand men, moved a closure resolution and the speaker accented it, despite the violent protests of several Dail supporters, who had desired to speak against the elec-

tion of Griffith. Despite the commotion De Valera rose and said:

Fifty-six "Die-Hards" Walk Out

"As a protest against the election of the chairman of the peace delegation, who is bound by his signature to the treaty to subvert the constitution of the republic, I am going to leave the room during the vote." He closed his brief case and stalked out. Behind him followed fifty-five members, amid cries of "Up with the republic!" and taunts from those who remained behind.

The minute the last of them had left the room Griffith repeated his statement, and then offered his list of ministers, who, he said, would serve with him as members of a provisional government. They were elected by acclamation, and the Dail adjourned for luncheon without further discussion. In a room in the same building the minority held a short meeting and agreed to return to the Dail at its afternoon session.

A great crowd that had collected outside University College sent up loud cheers for both factions as their leading representatives emerged from the building.

Collins said: "We will now let the Irish people decide which has their interests at heart." Griffith, replying, said: "We shall be bound by future events."

De Valera Won't Recognize State

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Griffith "Danns" Englishmen

"I will not reply to any Englishman in this assembly," Griffith said that was a question between himself and his constituents and added that Griffith knew that he was only technically an Englishman. Again Griffith shouted, banging the table twice with his fist:

"I won't reply to any damned Englishman!"

And shouts demanding that the president withdraw his remark Childers said:

"If the president had banged the table the way you bang in the presence of Lloyd George he would have served a better purpose." At this the republicans cheered.

Speaker MacNeill ruled that the discussion was out of order, and then left the chair to move his resolution that "the Dail Eireann affirms that Ireland is a sovereign state, deriving its sovereignty from the Irish people." This, he said, was intended to safeguard some Irish rights and clear up certain ambiguities in the treaty. Although the speaker said he considered the motion as not controversial, De Valera immediately moved an amendment that "the Dail Eireann reaffirms in the name of the Irish people the declaration of independence of the republic." Before the debate could proceed further MacNeill withdrew his resolution.

DUBLIN, Jan. 10 (By The Associated Press).—Amnesty has been agreed

Dry Offenders in City Institutions Gain 100%

Dr. James A. Hamilton, Commissioner of Correction, gave out figures yesterday showing that in 1921 1,028 persons were sentenced for intoxication to institutions under the jurisdiction of the department, while 1920 showed only 541 such cases.

This increase of almost 100 per cent was greater than over 1919, when 920 persons were sentenced. On the 1921 list there appear the names of 870 men and 158 women. The sentences ranged from one day to six months.

As a result of negotiations between the new Irish Cabinet and the British government, according to a report current here to-night, and Irish political prisoners, including those sentenced to death, confined in both Irish and British prisons, will be liberated Wednesday or Thursday. The death penalty prisoners number about forty.

Miss Deacon's Marriage To Radziwill Annulled

Mother of Prince Announces Action of Vatican; Wedding Took Place in 1910

ROME, Jan. 10.—Princess Radziwill announces that the sacred Rota tribunal of the Vatican has annulled the marriage of her son, Prince Radziwill, to Miss Dorothy Deacon, which took place in 1910 at London.

Miss Dorothy Deacon, sister of the Duchess of Marlborough, was the youngest daughter of Edward Parker Deacon, of Boston, who died in an asylum after killing a Frenchman in his wife's apartment at Cannes when Dorothy was a child.

More than a year ago she applied to the Vatican for annulment, asserting that she had been forced into the marriage. The Prince's mother opposed the match.

After living some time in Warsaw, the Prince and his bride went to Rome. In 1913 the Princess stirred society there by driving a horse-drawn Roman chariot onto a hall floor, leading after her a lion and a leopard chained together.

Prince Radziwill was exiled from Russia by the Bolsheviks, who seized much of his property, including one estate as large as half of France.

Court Frees Betty Inch

Betty Inch, the only woman who ever compelled a New York court to build a fence around a witness stand that jurors' attention might not be diverted from evidence in the case on trial by her antics, was discharged by Supreme Court Justice Wasservogel yesterday after two trials on the charge of extortion.

District Attorney Brothers told the court he thought it useless to proceed any further with the case against Miss Inch, which involved charges that she extorted by threats \$225 from Eugene P. Herriman, a contractor. The defense was that Herriman had been indebted to the amount named to a girl of Miss Inch's acquaintance who needed the money. Miss Inch claimed to have acted merely as collector. The jury disagreed in two trials.

Poison Liquor Kills Seven Men In New Jersey

(Continued from page one)

for the removal of eight or ten agents and clerks.

"The recent resignation of Colonel Herbert Catrow, assistant director, former army officer and prominent politician, was asked for by me," he said. "Colonel Catrow did not resign voluntarily."

"I want to say that I am not going to resign. I am going to stay on this job until I make good or until the Treasury Department of the United States removes me."

Prohibition Agent Sam H. Conie was given a personal guard yesterday as a result of threats made against his life in North Amboy, N. J., where he has made many restaurant and hotel raids. The government has evidence that a New York gunman has been hired to kill him.

Actress Insists Court Let Her Be Plumber, Too

Neither Interfere, She Declares, in Fight With Sister-in-Law Over Late Husband's Shop

Mrs. Louise Ducey, of 351 West Fifty-fifth Street, is an actress and likes acting. She is also a plumber and likes plumbing. She has found, she told Surrogate Cohalan yesterday, that her acting doesn't interfere with her plumbing and that her plumbing doesn't interfere with her acting. Because of this she feels that she should be allowed to run the plumbing business of her late husband as she pleases.

Miss Helen F. Ducey, sister of the late Mr. Ducey, is somewhat dubious as to Mrs. Ducey's ability to combine successfully the exacting professions of plumbing and acting. A controversy has arisen between them over the business.

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issuance of letters of administration on Mr. Ducey's estate. Both want to be appointed administrators.

Mrs. Ducey submitted affidavits to show that she was a proficient plumber and should be given authority in her late husband's shop, despite the fact that he made a will in 1917 leaving all his property to his sister. The plumbing business was included in that bequest. Miss Ducey told the court that Mrs. Ducey would make a temperamental plumber at best, and that she had only recently changed her mind from Louise to Lulu. Surrogate Cohalan reserved decision.

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